

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NORTHEAST CONTROLS, INC.; and)	
ST. PAUL MERCURY INSURANCE)	
COMPANY,)	
)	
Plaintiffs)	No. 1:06-CV-00412 (SLR)
)	
v.)	
)	
FISHER CONTROLS INTERNATIONAL, LLC,)	
)	
Defendant)	

**SUR REPLY BRIEF OF PLAINTIFFS, NORTHEAST CONTROLS, INC.,
AND ST. PAUL MERCURY INSURANCE COMPANY IN
OPPOSITION TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiffs will offer no further briefing on the substantive issues. We believe these issues have been adequately discussed in the respective briefs of the parties.

On the last page of its Reply Brief, however, defendant Fisher makes the surprising argument that Plaintiffs' Answering Brief should not be considered by the Court because it was "untimely." Defendant claims that the brief was due on November 20, 2007, and it was filed the following day, November 21, 2007.

There is no basis for this argument. When Fisher filed its Motion for Summary Judgment, the Clerk of the Court entered a Notice on the docket advising the parties that responsive briefs were due on November 26, 2007. The same Notice was filed by the Clerk with respect to plaintiffs' Motion for Summary Judgment.

**MARSHALL, DENNEHEY, WARNER,
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Dated: December 4, 2007

01/4224694.v1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NORTHEAST CONTROLS, Inc.; and)	
ST. PAUL MERCURY INSURANCE Co.,)	
)	
Plaintiffs,)	Civ. A. No. 06-412-SLR
)	
v.)	
)	
FISHER CONTROLS INTERNATIONAL, LLC,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

TO: RIDDELL WILLIAMS	MARON MARVEL BRADLEY
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PLEASE TAKE NOTICE: On December 4, 2007, Northeast Controls, Inc. served the attached *Sur Reply Brief of Plaintiffs, Northeast Controls, Inc. and St. Paul Mercury Insurance Company in Opposition to Defendant's Motion for Summary Judgment* upon Defendant Fisher Controls, Inc. via e-filing and First Class U.S. Mail, postage prepaid, to the above-named persons.

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